

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:21-cr-0302-JMS-MG
	)	
ROBERT LEE KEITH,	)	- 01
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On October 23, 2024, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on October 1, 2024. Defendant Keith appeared in person with his appointed counsel Sam Ansell. The government appeared by Matt Barloh, Assistant United States Attorney. U. S. Probation appeared by Officer Megan Durbin.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Keith of his rights and provided him with a copy of the petition. Defendant Keith orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Keith admitted Violation Nos. 2, 3, and 4, as amended in open Court. [Docket No. 71.] Government orally moved to withdraw Violation Number 1, which motion was granted by the Court; Violation Number 1 dismissed.
3. The allegation to which Defendant admitted, as fully set forth in the petition, is:

<b><u>Violation Number</u></b>	<b><u>Nature of Noncompliance</u></b>
2	<p><b>“You shall not meet or communicate or otherwise interact with codefendant, Shanda Keith, including her person, vehicle, office/business, residence and property.”</b></p> <p>As noted in the above allegation, Mr. Keith was interacting with Shanda Keith at the time of his arrest.</p> <p>As previously reported to the Court, Mr. Keith admitted to having telephonic contact with Shanda Keith while he was in custody from July 19, to July 29, 2024. He also admitted speaking with her in person on July 31, 2024.</p>
3	<p><b>“You shall refrain from any unlawful use of a controlled substance.”</b></p> <p>As previously reported to the Court, Mr. Keith submitted to a routine urinalysis on July 31, 2024, which was confirmed positive for the THC metabolite, amphetamine, and methamphetamine.</p> <p>Amended in open court to add:</p> <p>Mr. Keith submitted to a routine urinalysis on October 21, 2024, which was confirmed positive for amphetamine, methamphetamine, and alcohol.</p>
4	<p><b>“You shall not use or possess alcohol.”</b></p> <p>On September 24, 2024, Mr. Keith submitted to a routine urinalysis. The sample was sent to Alere Toxicology Services for alcohol testing, and was positive for ethyl glucuronide, and ethyl sulfate. The sample was also dilute.</p> <p>Amended in open court to add:</p> <p>Mr. Keith submitted to a routine urinalysis on October 21, 2024, which was confirmed positive for amphetamine, methamphetamine, and alcohol.</p>
4.	<p>The parties stipulated that:</p> <ul style="list-style-type: none"><li>(a) The highest grade of violation is a Grade B violation.</li><li>(b) Defendant’s criminal history category is I.</li><li>(c) The advisory range of imprisonment applicable upon revocation of</li></ul>

supervised release, therefore, is 4 to 10 months' imprisonment.

5. The parties jointly recommended a modification of residing in a residential reentry center for a period of up to 120 days.

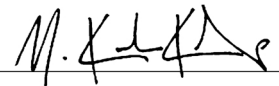
The Magistrate Judge, having considered the relevant factors in 18 U.S.C. §§ 3553(a) and 3583(e), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be MODIFIED, to include the following:

"You shall reside in a residential reentry center for a term of up to 120 days. You shall abide by the rules and regulations of the facility."

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

So recommended.

Date: 10/29/2024

  
M. Kendra Klump  
United States Magistrate Judge  
Southern District of Indiana

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